

**IN THE CLAIMS:**

Please amend claim 3 as follows:

Claim 1 (Canceled).

Claim 2 (Previously Presented): The optical head apparatus according to claim 3,  
wherein

said movement unit includes a magnetic field generator for generating a magnetic field with an intensity corresponding to the control signal, and a magnet integrally provided with said immersion lens, and

said controller outputs a control signal for the magnetic field generator to generate a magnetic force for moving said immersion lens to the position higher than the height of the foreign material in accordance with the detection result of said detector.

Claim 3 (Currently Amended): An optical head apparatus on an optical path of a light beam between an objective lens and an information recording medium, comprising:

an immersion lens positioned at a floating height with respect to a surface of the information recording medium;

a detector that measures a height of a foreign material on a surface of the information recording medium by detecting the intensity of a scattered light in proportion to a height of the foreign material on the information recording medium;

a controller for outputting a control signal corresponding to the height of the foreign material if the height of the foreign material is higher than the floating height of the immersion lens; and

a movement unit that moves the immersion lens to a position higher than the height of the foreign material, the movement unit moving the immersion lens by a distance corresponding to the control signal,

wherein a predetermined time of a delay detection signal necessary for the movement unit to move to a predetermined height is set to a shorter time than a time in which the foreign material reaches the position of the movement unit after the detector detects the foreign material.

Claim 4 (Previously Presented): The optical head apparatus of claim 3, wherein the detector is arranged at an upstream position of the immersion lens in a rotational direction of the information recording medium.

Claim 5 (Previously Presented): The optical head apparatus of claim 4, wherein the detector is arranged in a same radial position as the immersion lens.

Claim 6 (Previously Presented): The optical head apparatus of claim 3, further provided with an illumination light source that illuminates an incident light beam toward the surface of the information processing medium, wherein the illumination light source is oriented in a manner such that the incident light beam is reflected on the surface of the information recording medium in a first direction when the information recording medium is free from foreign material, and, if a foreign material is disposed on the surface of the information recording medium, the incident light beam is scattered by the foreign material in a second direction toward the detector.

Claim 7 (Previously Presented): The optical head apparatus of claim 6, wherein the detector generates a light detection signal proportional to an amount of incident light that is scattered by the foreign material.

Claim 8 (Previously Presented): The optical head apparatus of claim 3, further provided with a delay circuit that delays the control signal by a predetermined time.